

DAVID BURCHARD
CHAPTER 13 TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:
EVETTE F. MINOR
1252 POPLAR ST
SANTA ROSA, CA 95407

###-##-6489

Debtor(s).

Case No.: 10-1-1883AJ13
Chapter 13

FIRST AMENDED NOTICE BY DAVID
BURCHARD, CHAPTER 13 TRUSTEE, OF
CHAPTER 13 PLAN DEFICIENCIES

CONFIRMATION HEARING:

Date: 11/15/2010
Time: 1:30 PM
Place: United States Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, cannot recommend Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Trustee requests a **signed** copy of Debtor's 2007 and 2008 Federal Income Tax Returns for Debtor's business.
2. At the 341 Meeting of Creditors, the Debtor stated she is currently in negotiations with her mortgage lender to modify a loan. The Trustee requests that said loan modification is resolved prior to confirmation, or, the mortgage loan be current by payment or stipulation.
3. The Debtor's plan does not meet the requirements of 11 U.S.C. § 1325(d) as the plan payment is insufficient to pay all priority and administrative claims, and therefore, the plan is not feasible. The source of the non-feasibility appears to result from the following factor: Franchise Tax Board is not scheduled in Debtor's plan, however, said creditor has filed a priority proof of claim in the amount of \$9,140.86 and unsecured amount of \$14,745.72. The Trustee requests that Debtor's counsel amend the plan to provide for said claim, or, in the alternative, file an objection to said claim.
4. Debtor has failed to respond to Question 1f of the Debtor's Business Questionnaire. The Trustee requests an amended response to question, "When did the business begin operation?"
5. Debtor's amended form B22C fails to reflect Business income in Question 3. The Trustee requests clarification or an amended form B22C.
6. Schedule I lists Debtor's monthly net income in the amount of \$2,750.00, while Schedule J lists monthly expenses in the amount of \$2,980.00. The Trustee questions the feasibility of the debtor being able to make plan payments under these circumstances. 11 U.S.C. § 1325(a)(6) provides that a plan cannot be confirmed if the debtor is unable to make plan payments.

7. Questions 1 and 2 of the Statement of Financial Affairs calls for income information year-to-date as well as for the two years immediately preceding the filing of the petition. Debtor has failed to list her year-to-date income information. Trustee requests an amended response to questions 1 and 2, which provides this information.
8. Schedule I lists the Debtor as self-employed, however, the Statement of Financial Affairs Question 18 is answered none. The Trustee requests that Debtor's counsel amend the Statement of Financial Affairs that includes questions 18 through 25.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations.

Dated: November 1, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

Certificate of Mailing

I, DENIZ BRIDGMAN, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the NOTICE BY DAVID BURCHARD, CHAPTER 13 TRUSTEE, OF CHAPTER 13 PLAN DEFICIENCIES, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EVETTE F. MINOR
1252 POPLAR ST
SANTA ROSA, CA 95407

EVAN LIVINGSTONE
LAW OFFICES OF EVAN LIVINGSTONE
740 FOURTH ST # 215
SANTA ROSA, CA 95404-0000

United States Trustee
235 Pine Street, Suite 700
San Francisco, CA 94104

Dated: November 1, 2010

DENIZ BRIDGMAN

DENIZ BRIDGMAN